

Serial No. 10/628,920

HRT 303CON

REMARKS

Claims 58-73 are pending. Claims 58-60, 63-68 and 70 are amended. The Examiner indicated that claims 70-72 would be allowable if rewritten to include the limitations of the claims from which they depend. Applicant has rewritten claim 70 to include the limitations of claim 58, and request that the claims be allowed.

Applicant amended the claims generally to replace "position" with "configuration" as it more clearly describes the claimed invention.

Claims 58-69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 4,809,695 (Gwathmey) in view of US Patent No. 4,899,744 (Fujitsuka). Applicants traverse the rejection as to amended claims 58-69.

Applicants submit that claims 58-69 are allowable over the combination of Gwathmey and Fujitsuka as neither patent describes or suggests the steps of claim 58 as amended. For example, neither reference describes the step of "passing the first end of each of the plurality of clips through an inner wall of the target vessel while the clips are in the first configuration". Instead, a first end of the clips of both Gwathmey and Fujitsuka are not passed through the inner surface of the target vessel until the clips are in the second configuration. See Figures 1 and 3(b) of Fujitsuka and Figures 18 and 19 of Gwathmey. As a result, neither reference describes or suggests the steps of claim 58, and Applicant requests the Examiner to withdraw the rejection.

Serial No. 10/628,920

HRT 303CON

If the Examiner believes that a telephone conference with Applicants' attorneys would be helpful in clarifying any issue, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

By: /Brian S. Tomko/
Brian S. Tomko
Reg. No. 41,349

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1239
(732) 524-5575
Dated: March 16, 2006